

**PB# 73-43**

**Edward Moulton**

73-43  
Moulton, Edward  
Site Plan

filed with T.C.  
Office 6/28/73  
9:40 A.M. 22



Oxford

STOCK No. 752 1/2

MADE IN U. S. A.

GENERAL RECEIPT

1454

Town of New Windsor, N. Y.

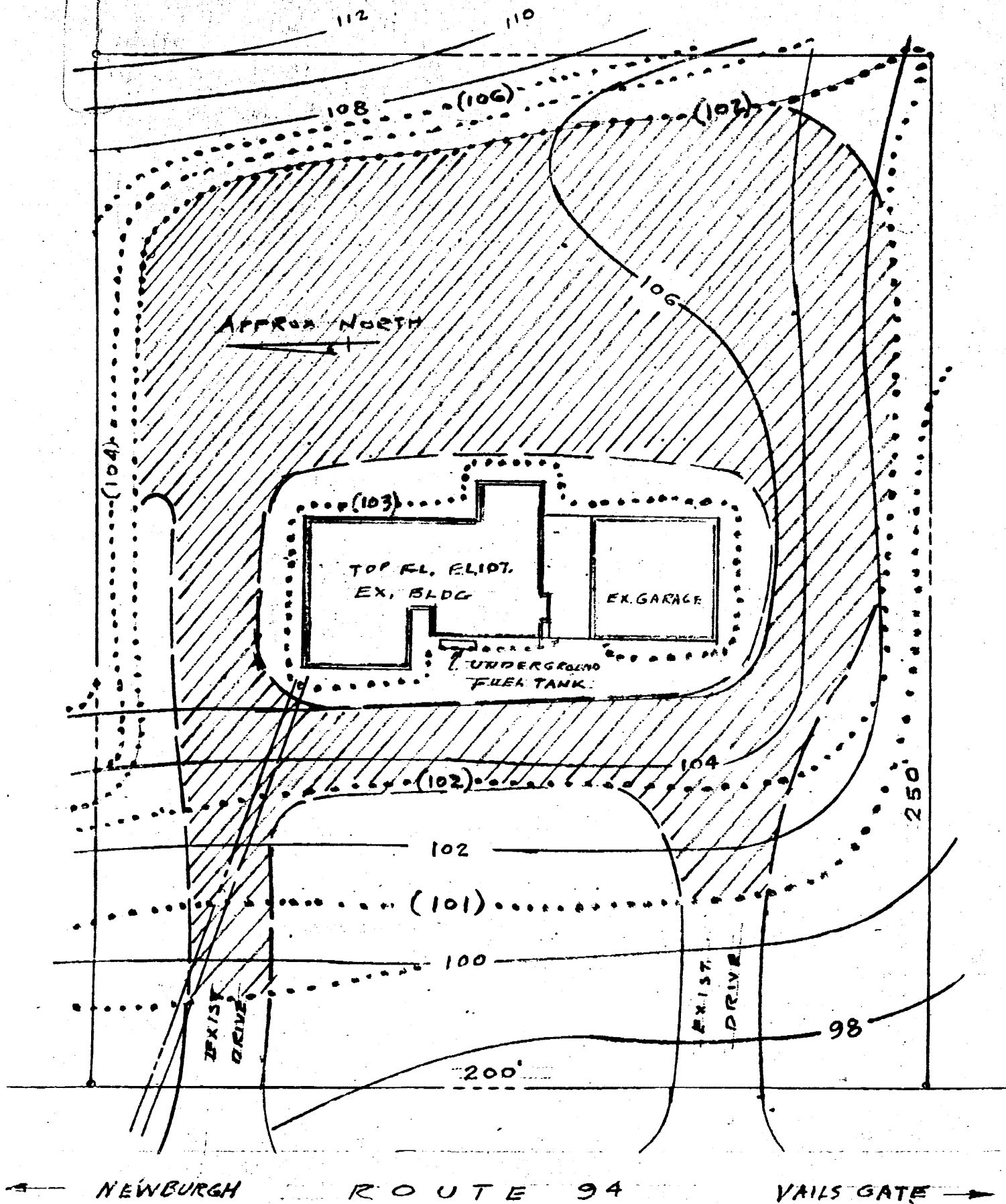
Received of Ed. C. Moulton - M + M Realty June 28, 1973  
One hundred seven and 50/100 \$ 107.50  
For Site Plan - \$ 100.00 - Engineers fee - \$ 7.50 Dollars

DISTRIBUTION:

FUND	CODE	AMOUNT

Town Clerk  
TITLE

BY Dorothy O. Dinley Deputy



KEY TO SYMBOLS

SEWER SERVICE

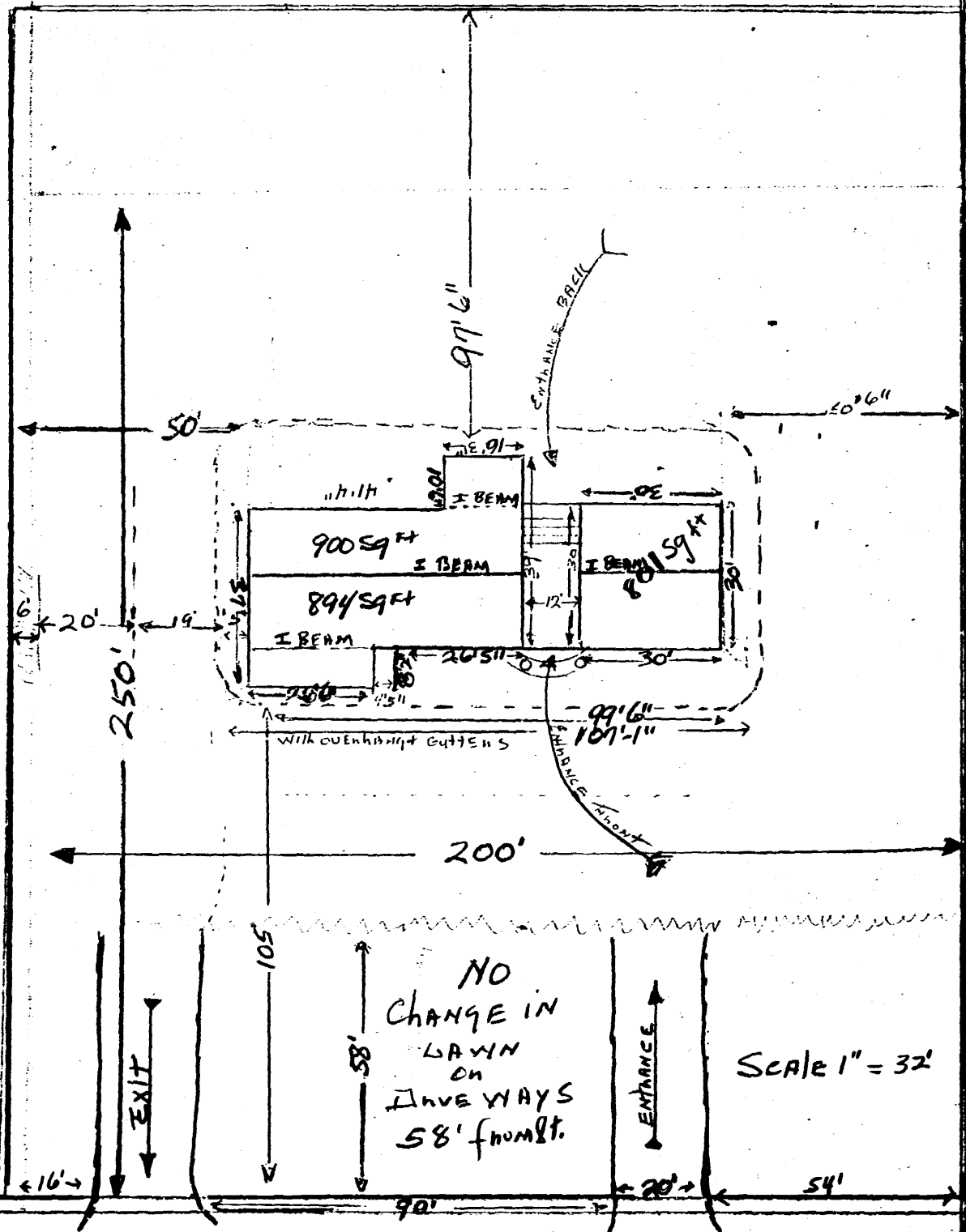
ELECTRIC SERVICE

EXIST. CONTOUR

PROP. CONTOUR

NEW PAVEMENT

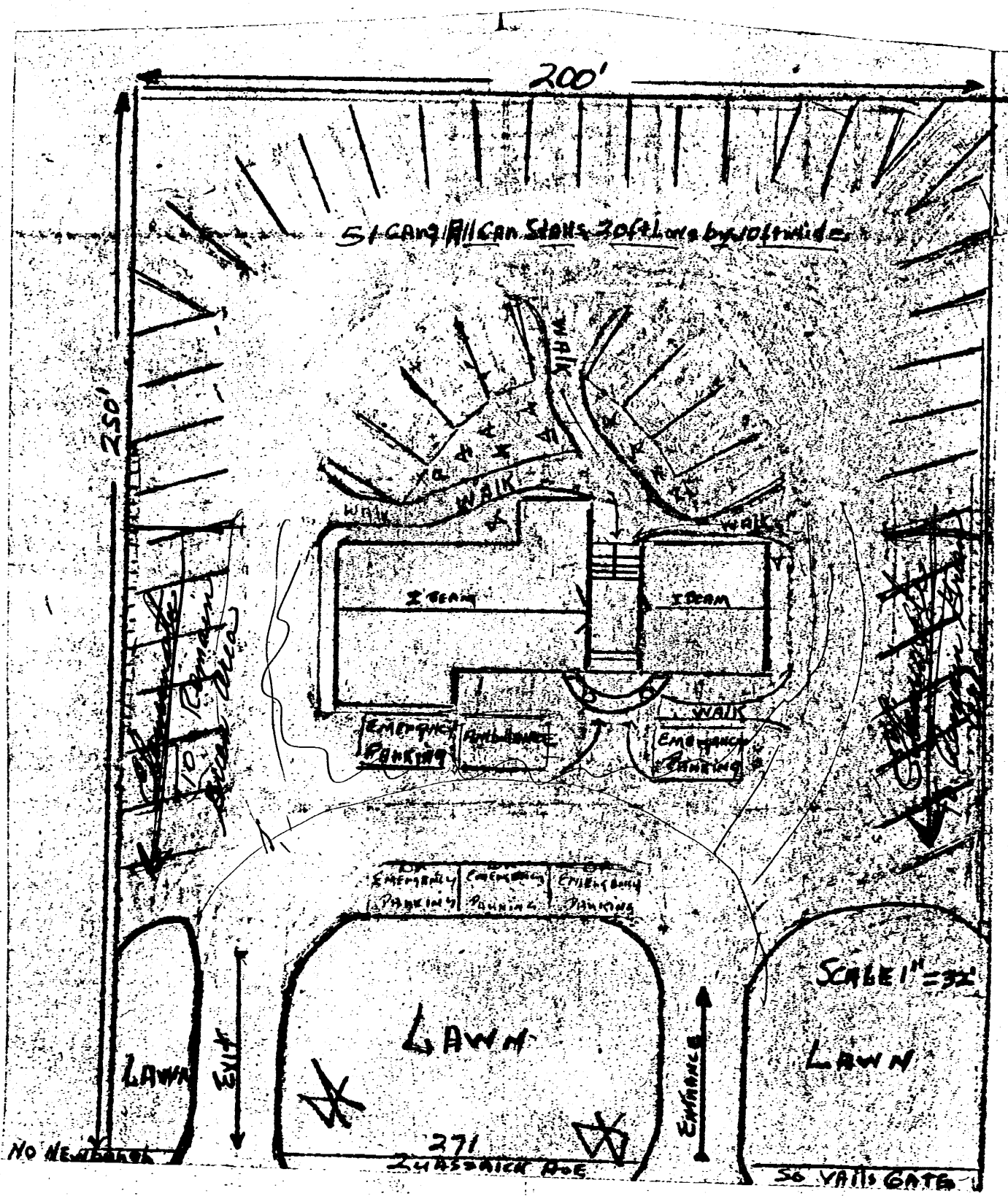
SITE PLAN FOR PROPOSED  
MOLTON PROFESSIONAL BLDG.  
ON LOTS NOS. 70, 71, 72 & 73 ON  
MAP OF WINDSOR ACRES  
TN. OF NEW WINDSOR - ORANGE CO.  
NEW YORK STATE  
SCALE 1" = 30' MAY 23, 1973  
F. R. QUACKENBUSH, PE#LS NO. 7978



271 QUASSICK AVE

North Newburgh

South Vail Gate →



Date May, 24, 1973

Application No. 73-43

TOWN OF NEW WINDSOR PLANNING BOARD

555 Union Avenue; Tel: 565-8898

APPLICATION FOR SITE APPROVAL

Name ED.C . MOULTON

Address 271 Quassaick Ave. New Windsor N.Y.

1. Owner of the property ED. C . MOULTON

2. Location of the property 271 Quassaick Ave. New Windsor N.Y.

3. zone area RB (Have Variance to convert to Professional Bldg.)

4. Nature of business Real Estate Broker Now Future Doctors & Professional Offices

5. Lot size: Front 200FT. Rear 200 FT. Depth 250 FT.

6. Building setbacks: Front yard 100 FT. Rear yard 114 FT.

Side yard 50 FT.

7. Dimensions of new building No Changes on Dimensions

Addition No Additions

If addition, state front, side, rear of existing structure:

Compliance with requirements shall be the sole responsibility of the applicant or his representative and it is suggested a copy of the Zoning Ordinance be obtained, with particular attention to Article X to avoid rejection of the plans.

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expense for advertising of Public Hearing or meetings will be paid. Also, any legal or engineering fees for review of this project. Fees are due and payable upon submission of preliminary plans. All checks are to be made payable to the Town of New Windsor. Seven (7) copies of the plans are required.

Signature of applicant

Presubmission \_\_\_\_\_

Final Approval 6/29/73

Adopted 10/5/70



NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION  
Raymond T. Schuler, Commissioner



112 Dickson Street, Newburgh, New York 12550

May 23, 1973

Mr. E. Moulton  
23 Wintergreen Avenue  
Newburgh, New York

Re: Proposed Professional Building  
Route 94, Town of New Windsor

Dear Sir:

Be advised that a New York State Highway Work Permit will not be necessary as long as no change is to take place within the right-of-way. However if a change is proposed, plans must be submitted to this office for review.

Very truly yours,  
Lawrence L. Greer  
Resident Engineer

by:

*Dominick A. Bello*  
Dominick A. Bello  
Asst. Resident Engineer

LLG:DAB:tf

PARKING for 33 CARS  
" " 2 EMERGENCY CARS

200'

Final APPROVAL GRANTED  
TOWN OF NEW WINDSOR PLANNING BOARD  
ON 6-27-73

BY

E. J. Signard

350'

NO PARKING

EXIT

NO PARKING

ONE WAY

NO PARKING

LAWN

LAWN

EXIT

ENTRANCE

120'

NO. NEWBURNH & CONN WALL

271 ZUASSAICK AVE.

SE. VAIL GATE

ROUTE 94

SCALE 1" = 32'

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application # 71-24

Date: Nov. 18, 1971

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (X) ED C. MOULTON of 23 Wintergreen Avenue, Newburgh,  
(Street & number) N. Y.  
9 (State) HEREBY MAKE

APPLICATION FOR A VARIANCE:

A. LOCATION OF THE PROPERTY No. 269 Quassaick Avenue New Windsor, N. Y.  
(Street & Number) (Use district on Map)

B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, by number, sub-section and paragraph of the Zoning Ordinance applicable. Do not quote the ordinance: Art III Sec. 48-7

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's lands, structures or building and do not apply to the neighboring lands, structures or buildings in the same zone because:

The structure as it appears now is too large for residential

use and a hardship exists because no one will purchase the

property for residential use <sup>due</sup> because of the location on Rt. 94.

2. Strict application of the provisions of the ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: Applicant has tried to sell the property for a number

of years strictly for residential use but has had no buyers.

Property has been vacant for 2 years and applicant has been

unable to utilize the property for residential use.

3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: Applicant was running his real estate business on the

premises before Zoning came into effect.

4. Relief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: Applicant intends to make certain structural changes which will enhance the original building.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: there are many businesses located within the area including a law office, dentist office, delicatessen Post office, barber shop, drug store, etc.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Applicant intends to make certain structural changes -  
see attached.

E. Application to be accompanied by a check, payable to the Town of New Windsor in the amount decided by the Board. Application to be returned to: Secretary of the Zoning Board of Appeals.

F. NOTICE OF HEARING; Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1 of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 M of the General Municipal Law to see if it applies. If so, notify the Orange County Planning Board.

Dated: November, 1971

Signature of Applicant

STATE OF NEW YORK) SS  
COUNTY OF ORANGE )

Sworn to on this 18 day of Nov., 19 71

23 Wintergreen Ave

Address

Newburgh, N. Y.

Telephone No.

PATRICIA DELIO

Notary Public, State of New York

Appointed in Orange County

My Commission expires Mar. 30, 1972

(Notary Public)

DO NOT WRITE IN THIS SPACE

Application No. 71-24

Date of Hearing 11/20/71

Date of Decision 11/21/71

DECISION:

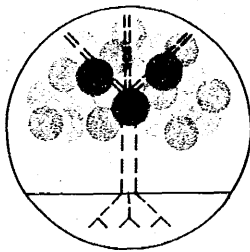
Approved.

Date Rec'd. Nov. 18, 1971

Notice Published Dec. 10, 1971

# Department of Planning

Peter Garrison, A.I.P., Commissioner  
Edwin J. Garling, A.I.P., Deputy Commissioner



The County Building  
Goshen, New York 10924  
(914) 294-5151

# County of Orange

Louis V. Mills, County Executive

January 10, 1972

Mr. Fred Wygant, Jr., Chairman  
Town of New Windsor Zoning Board of Appeals  
Forge Hill Road  
New Windsor, New York 12550

Re: Use Variance - Moulton  
Route 94

Dear Mr. Wygant:

We acknowledge receipt of the above application and have made our review, under the provisions of Sections 239, L and M, of the General Municipal Law. Our comments are as follows:

1. At the present time, there are several retail and service facilities, including a post office, in the area. Combined, they form a neighborhood-type commercial center. The area is, however, predominantly residential.
2. The proposed business-office use will probably generate an increase in the volume of traffic and noise in the area which could adversely affect surrounding residences.
3. The proposed use would represent a further intrusion into the surrounding residential area.
4. If approval is granted, your Board should consider the following:
  - a) access to the offstreet parking area
  - b) the number of parking spaces to be provided and their arrangement
  - c) the location and type of sign
  - d) a combined entrance and exit driveway of sufficient width to accommodate vehicles.



1763

OFFICE OF THE SUPERVISOR

TOWN OF NEW WINDSOR

Supervisor  
Theodore F. Marsden  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8800

July 3, 1973

*7-11-73*  
*[Signature]*

Zoning Board of Appeals  
Planning Board ✓  
Building Inspector

Gentlemen:

It has been brought to my attention after reviewing the rough draft copy of the Minutes for the Planning Board's last meeting that the Planning Board has granted to Mr. Moulton a change of an application for variance for medical purposes to other uses on property owned on Rt. #94, #269 Quassaick Avenue and consequently a Building Permit has been applied for and issued on the 2nd day of July 1973.

The reason for my letter is that I would like the Zoning Board of Appeals to make a determination to insure that the issuance of the Building Permit is indeed valid.

The reason for this question is because of the Minutes of January 17, 1972 indicating that a variance was granted to Moulton for this property on that date, (I don't know what time the actual filing of the papers were but the letter of transmittal from the secretary of the Zoning Bd. of Appeals to the applicant advising of the approval of the variance was dated on the 19th day of January of that year.)

The Zoning Ordinance referring to page 48-61 under section 48-33 d. state "Unless work is commenced diligently and prosecuted within one year or such other time established by the Board at the time of the date of the granting of the variance, such variance shall become known void".

The questions that I propose and would like to have answered from the ZBA in order to find out if the Building Permit and the Planning Boards approval are indeed valid would be:

- 1) Inasmuch as the original application seems to be for Professional Office (Medical or Dental purposes) - whether or not the Planning Boards review changes this to the broad scope of Professional Office and specifically, 2) I would like to have an opinion as to whether or not the variance granted in January of 1971 is still valid inasmuch as it exceeds the one year period as referred to in the Ordinance.

Your prompt attention in this matter would be greatly appreciated.

Respectfully

*Theodore F. Marsden*

THEODORE F. MARSDEN  
Supervisor

cc: Mr. E. Moulton  
enc.

Page 3 end, 7/3/77

Name of Owner of Premises ..... ED.C.MOULTON, M & M REALTY  
Address..... 271 Quasnsaick Ave. New Windsor ..... Phone No. bus. 565 7695  
Res. 565 4140  
Name of Architect..... ED.C. Moulton  
Address..... Same ..... Phone No. Same  
Name of Contractor ..... Same  
Address..... Same ..... Phone No. ....  
State whether applicant is (owner) lessee, agent, architect, engineer or (builder):... All Three  
If applicant is a corporation, signature of duly authorized officer.

.....  
(Name and title of corporate officer)

1. Location of land on which proposed work will be done... 267, 269, 271, Quasnsaick Ave New Windsor
2. Zone or use district in which premises are situated R.B.District
3. Does proposed construction violate any zoning law, ordinance or regulation? Have Variance
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:  
Real Estate Brokers Office  
a. Existing use and occupancy ..... b. Intended use and occupancy.. Professional Offices
5. Nature of work (check which applicable): New Building..... Addition..... Alteration...X  
Repair..... Removal..... Demolition..... Other Change interior for offices
6. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....  
Number of bedrooms..... Baths..... Toilets.....  
Heating plant: Gas..... Oil...X. Electric..... /Hot Air..... Hot Water.X...  
If garage, number of cars.....
7. If business, commercial or mixed occupancy, specify nature and extent of each type of use.... Offices for  
Medical, Dentists. and other professional offices.  
.....
8. Estimated cost.. \$ 15000.00 ..... Fee .....  
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

Mr. Loeb: I don't know if I agree until I know if there is a map filed in Goshen. If this is filed, they already have this. They have a legal right-of-way over the property. There is no question of that by virtue of the deeds. It is not our intent to affect that in any way. We are going to be using this for the same reason. Driving in and out. I am sure it will be plowed as part of our parking lot.

Mr. Stortucky: Who maintained it before?

Mr. Lanzarka: Mr. Geraci has a plow.

Mr. Stortucky: Any chance of the Town taking the road over.

Mr. Piatrak: They were supposed to have taken it over five years ago. There are actually six families using it.

Mr. Loeb: I don't think we would object to having this as a Town Road. We don't want to undertake the responsibility of taking this over but the Town should.

Mr. Wygant: Any other points anyone else wants to bring out before I close this hearing? (None were forthcoming). I then declare this hearing closed. (Spectators excused.)

\* \* \* \* \*

**DECISION:** Ed C. Moulton application which public hearing was heard on December 20, 1971. Secretary read a letter from the Orange County Planning Board dated January 10th which denied approval of the use of this property, located at No. 269 Quassaick Avenue for professional offices. This means that five affirmative votes of the board would be needed to override the decision of the Orange County Board.

**MOTION** by Mark Stortucky, seconded by Lawrence Bilello, that a use variance be granted to permit approval to Mr. Moulton to use his property known as No. 269 Quassaick Avenue for professional offices.

**ROLL CALL:** Mrs. Budney - yes      Mr. Stortucky - Yes  
Mr. Flanagan - Yes      Mr. Wygant - Yes  
Mr. Bilello - Yes

Motion carried, 5 ayes - no nays. (Mr. Bivona not allowed to vote. Not a member at the time of the hearing.) Five affirmative votes received. Moulton application approved.

Regarding the Moulton application, the Board found the following to be true:

1. Applicant has tried to sell the property for many years for residential use with no purchasers.

2. The location of the property, with several businesses in the area and doctor's and dentist's offices surrounding, the use which applicant is proposing would be in keeping with the surrounding businesses.

3. Applicant has owned the property since 1960 and has used a portion of this for his real estate office and meat business.



The Board, therefore, concluded the following:

1. Conditions and circumstances are unique to the applicant's lands, structures or buildings and do not apply to the neighboring lands, structures or buildings in the same zone.
2. Strict application of the provisions of the ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone.
3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance.

In this same connection, it was suggested by the Board members that a recommendation be sent to the Town Board that all property from Cedar Street to Schoonmaker Drive (on Quassaick Ave.) on the eastside of Union Avenue, that the Town Board consider rezoning this area for professional office use and in considering this request, they should give some thought to the establishment of a new Zoning category which would permit only professional offices.

\* \* \* \* \*

Decision: Tour, Pietrzak, Rider, Weiner & Loeb application which hearing was held earlier this evening.

MOTION by Lawrence Bilello, seconded by Vincent Bivona, to grant an area variance for Parcel No. 1 of 20,644 sq. feet and a sideyard variance of 15 feet between Parcel No. 1 and Parcel No. 2 on the application No. 72-2, provided that the proposed means of access and egress to and from the rear properties be clearly outlined on a map submitted to the Planning Board.

ROLL CALL:	Mrs. Budney -	Yes	Mr. Bivona -	Yes
	Mr. Flanagan -	Yes	Mr. Wygant -	Yes
	Mr. Stortecky -	Yes		
	Mr. Bilello -	Yes		

Motion carried - 6 ayes - no nays. Application approved.

In connection with the above application, the Board found the following to be true.

1. Applicant cannot use the property for the permitted use under the ordinance because the variance sought relates to the bulk requirements and are made necessary because the buildings were erected prior to the adoption of the Zoning Ordinance.
2. Applicants have taken no action following the adoption of the ordinance and the conditions and circumstances exist because the building predated the adoption of the ordinance.
3. Applicants seek to use the buildings in accordance with the provisions of the ordinance and to develop permitted uses on the

BERNARD KESSLER, P.E.  
Consulting Engineer  
6 FLEETWOOD AVENUE  
Spring Valley, N.Y. 10977

914 356-0217

6-27-73  
8

June 24, 1973

Town of New Windsor Planning Board

Re: Moulton Site Plan

The proposed regrading of this site presents no drainage problems to adjoining properties. The natural flow directions are not being changed.

All facilities are existing and therefore no further review is necessary. Other than the previous suggestion made by the Planning Board to eliminate several parking spaces in the side yards, I recommend no changes and believe the plan may be approved.

*Bernard Kessler*

*\$ 7 1/2 DUE FOR REPORT*

CC B.I. x/w  
P.B. ✓

ZONING BOARD OF APPEALS  
Town of New Windsor, New York 12550

8/8/73  
J

Forge Hill Road  
New Windsor, N. Y.  
July 20, 1973

Theodore P. Marsden, Supervisor and  
Town Board Members  
Town of New Windsor  
555 Union Avenue  
New Windsor, N. Y. 12550

RE: ED. C. MOULTON PROPERTY  
No. 269 Quassaick Avenue

Dear Mr. Marsden and Town  
Board members:

Please be advised that regarding the above mentioned  
property, there was no extension granted to the variance  
granted on January 17, 1972.

Yours truly,

Fred Wygant  
FRED WYGANT, Chairman

FW:pd